



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,612	06/28/2000	Bruce D. Lucas	6169-142	5855

7590 01/02/2004

Gregory A Nelson
Quarles & Brady LLP
222 Lakeview Avenue Fourth Floor
P O Box 3188
West Palm Beach, FL 33402-3188

EXAMINER

HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
----------	--------------

2178

DATE MAILED: 01/02/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,612

Applicant(s)

LUCAS ET AL.

Examiner

Cong-Lac Huynh

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 19-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 22-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: the application filed on 6/28/00, and the IDSs filed on 8/29/00.
2. Applicant's election of Group I (claims 1-18, 22-27) in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
3. Claims 1-27 are pending in the case. Claims 19-21 have been withdrawn from consideration. Claims 1, 6, 10, 15, 19, 22, 25 are independent claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-18, 22-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Wesemann et al. (US Pat No. 6,349,132 B1, 2/19/02, filed 12/16/99).

Regarding independent claim 1, Wesemann discloses:

- retrieving a network-based document formatted for in the Visual Browser (figures 3-5; col 3, line 33 to col 4, line 6)
- identifying in the retrieved document a reference to the Voice Browser, said reference specifying electronic content formatted for audible presentation in the Voice Browser (figures 3-4; col 5, lines 12-38)
- transmitting said reference to the Voice Browser (figure 3: transmitting HTML documents in the HTML source #310 to the Voice Browser #340; col 5, lines 27-38: the system identifies the links in a document and provides users with an audio representation of the document text)
- the Voice Browser retrieving said specific electronic content and audibly presenting said electronic content in the Voice Browser (figures 3-5: the document is retrieved and played audio of text after the text to speech translating; col 5, lines 27-38)
- the Visual Browser visually presenting said network-based document concurrently with said audible presentation (col 6, lines 18-36: "Voice Browser #340 could be used in conjunction with Visual Browser #320 to provide simultaneously visual and audio interfaces..."; col 2, lines 20-37)

Regarding claim 2, which is dependent on claim 1, Wesemann discloses that the network-based document formatted for visual presentation in the Visual Browser is an HTML formatted document and the Visual Browser is a Web Browser (figure 3: the

network document is a HTML document on the Internet so the visual browser #320 is a Web Browser; col 2, lines 20-52).

Regarding claim 3, which is dependent on claim 1, Wesemann discloses that said electronic content formatted for audible presentation in the Voice Browser is VoiceXML formatted electronic content (col 5, lines 20-53).

Regarding claim 4, which is dependent on claim 2, Wesemann discloses that said reference is a coordination markup attribute (col 2, lines 20-30 and col 8, lines 24-36: elements in the tags of a markup document include a markup attribute).

Regarding claim 5, which is dependent on claim 1, Wesemann discloses that said reference specifies a network-based document containing said electronic document formatted for audible presentation in the Voice Browser (col 5, lines 27-38) whereby the Voice Browser can retrieve said specified network-based document through the computer communications network and audibly present said electronic content contained in said specified network-based document, while the Visual Browser can visually present said network-based document formatted for visual presentation (col 6, lines 18-36; col 2, lines 33-37).

Regarding independent claim 6 and its dependent claims 7-9, the claims are merely the opposite way to retrieve and present a network-based electronic document. Wesemann discloses accessing network-based electronic content in both a Voice Browser and a

Visual Browser where the web document is *displayed and presented simultaneously in the Voice Browser and the Visual Browser*. Wiseman, therefore, inherently discloses the both ways of presentation a web document in an audio interface and a visual interface (col 3, line 33 to col 4, line 6).

Claims 10-14 are for a machine readable storage of method claims 1-5, and are rejected under the same rationale.

Claims 15-18 are for a machine readable storage of method claims 6-9, and are rejected under the same rationale.

Regarding independent claim 22, Wesemann discloses:

- incorporating visual content in a network-based document (figures 7-8; col 2, lines 38-52; col 3, lines 33-47)
- formatting said network-based document for visual presentation in a Visual Browser (col 3, lines 23-47)
- inserting at least one markup tag in said network-based document, said markup tag containing a coordination markup attribute specifying a network-based document formatted for audible presentation in a Voice Browser (col 2, lines 20-30, col 8, line 24-36 and col 5, lines 11-37: the fact that a markup tag in the HTML codes of a web document can be used to identify a category in the web document presentation where the text document can be played in the audio

interface indicates that a markup tag can be inserted to the HTML codes for specifying the audio presentation of the web document)

- whereby the Visual Browser when rendering said network-based document formatted for visual display can identify said coordination markup attribute in said markup tag and can transmit a reference to said specified network-based document and audibly present said specified network-based document concurrently with the visual presentation of said network-based document formatted for visual presentation in the Visual Browser (col 3, line 48 to col 4, line 6 and col 6, lines 18-36)

Regarding claim 23, which is dependent on claim 22, Wesemann discloses that said network-based document formatted for visual presentation in a Visual Browser is an HTML formatted document and said Visual Browser is a Web Browser (figure 3: the network document is a HTML document on the Internet so the visual browser #320 is a Web Browser; col 2, lines 20-52).

Regarding claim 24, which is dependent on claim 22, Wesemann discloses that said network-based document formatted for audible presentation in a Voice Browser is a VoiceXML formatted document and said Voice Browser is a VoiceXML Browser (col 2, lines 20-53, figures 1, 3, col 6, lines 18-36).

Regarding independent claim 25, Wesemann discloses:

- incorporating voice content in a network-based document (col 5, lines 11-38)
- formatting said network-based document for audible presentation in a Voice Browser (col 6, lines 18-63)
- inserting at least one markup tag in said network-based document, said markup tag containing a coordination markup attribute specifying a network-based document formatted for visual presentation in a Visual Browser (col 7, lines 10-53 and figures 6-9: the displayed web document as seen is encoded by the markup tags containing the markup attribute for a visual presentation of the web document; col 8, lines 23-36)
- whereby the Voice Browser when rendering said network-based document formatted for audible display can identify said coordination markup attribute in said markup tag and can transmit a reference to said specified network-based document and visually present said specified network-based document concurrently with the audible presentation of said network-based document formatted for audible presentation in the Voice Browser (col 10, lines 21-63; figures 5, 11; col 6, lines 18-36)

Regarding claim 26, which is dependent on claim 25, Wesemann discloses that said network-based document formatted for visual presentation in a Visual Browser is an HTML formatted document and said Visual Browser is a Web Browser ((figure 3: the network document is a HTML document on the Internet so the visual browser #320 is a Web Browser; col 2, lines 20-52).

Regarding claim 27, which is dependent on claim 25, Wesemann discloses that said network-based document formatted for audible presentation in a Voice Browser is a VoiceXML formatted document and said Voice Browser is a VoiceXML Browser (col 2, lines 20-53 and col 10, lines 21-63).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Slotznick (US Pat No. 5,983,200, 11/9/99, filed 10/6/97, priority 10/9/96).

Khan (US Pat No. 6,606,611 B1, 8/12/03, filed 6/23/99, priority 2/27/99).

Profit, Jr. et al. (US Pat No. 6,636,831 B1, 10/21/03, filed 4/9/99).


Muller et al., Toward a Definition of Voice Documents, ACM 1990, pages 174-183.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 703-305-0432. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9000.

clh
12/23/03


JOSEPH H. FEILD
PRIMARY EXAMINER